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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [TZ](#)  
SUBJECT: DEMARCHE ON RESTITUTION FOR TANZANIAN TIP VICTIM

11. This is an action request; please see para 7.

12. BEGIN SUMMARY: Department requests that post present our concerns over the failure of Mr. Alan Mzengi, a Tanzanian diplomat formerly posted in Washington, DC, and his wife, Mrs. Stella Mzengi, to make the court-ordered restitution to Ms. Zipora Mazengo, whom they allegedly subjected to forced labor and other abuses in the United States over a four-year period. Mr. and Mrs. Mzengi have thus far made no effort to provide restitution and have apparently faced no consequences for their actions by the Government of Tanzania since their return home. The Department seeks clarification of the GOT,s views and actions in relation to this matter. The Office of Protocol and Office of East African Affairs will make a demarche to the Tanzanian Ambassador in Washington parallel to Post,s approach to the GOT. END SUMMARY.

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Background  
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13. On October 1, 2007, a U.S. federal court entered a default judgment against Mr. Alan Mzengi, a Tanzanian diplomat posted in Washington, DC, and his wife, Mrs. Stella Mzengi, as a result of their alleged ill treatment of Zipora Mazengo, a citizen of Tanzania, whom they brought to the United States to serve in their home as a domestic servant. In ruling against the Mzengis, the U.S. District Court for the District of Columbia entered the following findings of fact. Mr. and Mrs. Mzengi deceived Ms. Mazengo, promising her a job as a housekeeper and nanny with a fair wage, a forty hour work week, extra pay for overtime, a two-week annual vacation, and medical insurance. Mr. Mzengi signed a contract with Ms. Mazengo guaranteeing these terms of employment. However, when Ms. Mazengo arrived in the United States, Mr. Mzengi stripped her of both her passport and her employment contract. Instead of the employment conditions promised in her contract, Ms. Mazengo faced 17-hour workdays, seven days a week. The Mzengis refused to provide her with necessary medical care, consistently refused to give her a day off, and did not permit her to leave their home without an escort. They subjected her to physical and emotional abuse and did not pay her for any of her work over a four-year period.

14. Ms. Mazengo fled the Mzengi home after demanding her salary in 2004. She wrote to the Ambassador of Tanzania on multiple occasions, requesting that the Ambassador assist her in recouping her back wages. When the Embassy of Tanzania did not respond to her appeals, Ms. Mazengo sought assistance from the legal system, and the U.S. Department of Justice opened a criminal investigation against Mr. Mzengi. In 2007, Ms. Mazengo filed a civil lawsuit in the U.S. District Court for the District of Columbia against Mr. Mzengi and his wife,

alleging the couple had trafficked her to the United States and held her in forced labor for four years. On April 28, 2008, the U.S. federal court issued a final order for damages in the case, ordering the Mzengis to compensate Ms. Mazengo for the ill treatment she suffered in their home. The order found that the Mzengis jointly and severally liable to Ms. Mazengo for a total of \$1,059,348.79, including attorney,s

fees. The back wages amounted to \$170,083.

15. Ms. Mazengo received no assistance from the Embassy of Tanzania in reaching a settlement with Mr. Mzengi. The embassy,s demands that Ms. Mazengo appear at the Embassy of Tanzania to face questions from embassy officials -- while Mr. Mzengi remained employed in the embassy -- served to intimidate Ms. Mazengo. The embassy subsequently refused to meet with Ms. Mazengo and her attorneys on neutral territory. Mr. Mzengi left the United States in April 2008 without fulfilling the court,s order or attempting to reach settlement with Ms. Mazengo. The Department is not aware of any investigation conducted by the Government of Tanzania into this matter.

16. The Department of Health and Human Services certified Ms. Mazengo as a trafficking victim and she was subsequently provided with a T-visa. (Note: Ms. Mazengo,s lawsuit had no relation to her legal status in the United States.)

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Action Request  
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17. The Department seeks to: a) ensure that the GOT is fully informed of the Mazengo case and the outstanding restitution claim, b) ascertain if any action has been taken in relation to Mr. Alan Mzengi and/or his spouse in relation to the Mazengo case, and c) raise concerns about the failure of Mr. and Mrs. Mzengi to make the court-ordered restitution to Ms. Mazengo. Additionally, the Department wishes to inform the GOT of new provisions in the 2008 reauthorization of the Trafficking Victims Protection Act (TVPA) relating to the treatment of domestic workers sponsored by foreign diplomats residing in the U.S. (although we are not/not making any comment at this time on whether these provisions would apply to the Tanzanian Embassy in regard to the Mazengo case).

18. Begin demarche points:

-- On October 1, 2007, a U.S. federal court entered a judgment against Mr. Alan Mzengi, a Tanzanian diplomat posted in Washington, DC, and his wife, Mrs. Stella Mzengi, as a result of their alleged ill treatment of Zipora Mazengo, a citizen of Tanzania, whom they brought to the United States to serve in their home as a domestic servant.

-- In ruling against the Mzengis, the U.S. District Court for the District of Columbia entered the following findings of fact. Mr. and Mrs. Mzengi deceived Ms. Mazengo, promising her a job as a housekeeper and nanny with a fair wage and forty hour work week, extra pay for overtime, a two-week annual vacation, and medical insurance. Mr. Mzengi signed a contract with Ms. Mazengo guaranteeing these terms of employment.

-- When Ms. Mazengo arrived in the United States, Mr. Mzengi stripped her of both her passport and her employment contract. Instead of the employment conditions promised in her contract, Ms. Mazengo faced 17-hour workdays, seven days a week. The Mzengis refused to provide her with necessary medical care, consistently refused to give her a day off, and did not permit her to leave their home without an escort. They subjected her to physical and emotional abuse and did not pay her for any of her work over a four-year period.

-- Ms. Mazengo fled the Mzengi home after demanding her salary in 2004. She wrote to the Ambassador of Tanzania on multiple occasions, requesting that the Ambassador assist her in recouping her back wages. When the Embassy of Tanzania did not respond to her appeals, Ms. Mazengo sought assistance from the legal system and the U.S. Department of Justice opened a criminal investigation against Mr. Mzengi. Because the Mzengis ran a commercial catering business out of their home, their activities fell under one of the exceptions to diplomatic immunity.

-- In 2007, Ms. Mazengo filed a civil lawsuit in the U.S.

District Court for the District of Columbia against Mr. Mzengi and his wife, alleging the couple had trafficked her to the United States and held her in forced labor for four years. On April 28, 2008, the U.S. federal court issued a final order for damages in the case, ordering the Mzengis to compensate Ms. Mazengo for the ill treatment she suffered in their home. The order found that the Mzengis liable to Ms. Mazengo for a total of \$1,059,348.79, including attorney's fees. The back wages amounted to \$170,083.

-- The United States is not aware of any assistance provided to Ms. Mazengo from the Embassy of Tanzania to reach a settlement with Mr. Mzengi. On the contrary, the embassy,s demands that Ms. Mazengo appear at the Embassy of Tanzania to face questions from embassy officials )- while Mr. Mzengi remained employed in the embassy )- reportedly served to intimidate Ms. Mazengo. The embassy subsequently refused to meet with Ms. Mazengo and her attorneys on neutral territory. Mr. Mzengi left the United States in April 2008 without fulfilling the court,s order or attempting to reach settlement with Ms. Mazengo.

-- The U.S. Government is also not aware of action taken by the Government of Tanzania to investigate these criminal allegations, to obtain restitution from Mr. Mzengi and his wife for Ms. Mazengo, or to otherwise hold the Mzengis accountable for their actions. Please inform us of any efforts that have been made in this regard.

-- We respectfully ask that your government assist us in obtaining a settlement for Ms. Mazengo from Mr. and Mrs. Mzengi. While payment of the lost wages to Ms. Mazengo is our first priority, we also hope that any diplomat who has treated his domestic staff in such an abusive manner would face appropriate sanction upon his return home.

-- We also ask that the Government of Tanzania adopt a policy and practice of investigating allegations of human trafficking within its diplomatic corps and holding perpetrators accountable. The issue of the treatment of domestic staff by U.S.-based foreign diplomats has received a great deal of Congressional and advocacy community interest in Washington. Some may interpret the current lack of official response to this case as reflecting poorly on the Government of Tanzania and on its commitment to combating human trafficking.

-- Additionally, we would like to call to your attention recent changes in the 2008 reauthorization of the Trafficking Victims Protection Act (TVPA) relating to the treatment of domestic workers sponsored by foreign diplomats residing in the U.S. Section 203 of that law mandates the Secretary of State to suspend the issuance of A-3 and G-5 visas to all applicants seeking to work for officials of a diplomatic mission or international organization if the Secretary determines that there is credible evidence that one or more employees of such mission or international organization have abused or exploited one or more A-3 or G-5 visa holders and that the diplomatic mission or international organization tolerated such actions.

End demarche points.

¶9. The Office of Protocol and Office of East African Affairs will be delivering the same points to Ambassador Sefue in Washington. Post is requested to contact Jennifer Weronksi in Protocol and Justine Treadwell in AF/E via email to coordinate timing of demarche delivery.

¶10. The Department appreciates the Embassy,s continued efforts to monitor the human trafficking situation in Tanzania and raise concerns in meetings with GOT officials.

CLINTON